

1 Benjamin K. Riley (CA Bar No. 112007)
2 briley@bztm.com
BARTKO, ZANKEL, TARRANT & MILLER
3 900 Front Street, Suite 300
4 San Francisco, California 94111
Telephone: (415) 956-1900
Facsimile: (415) 956-1152

5 Kerry L. Bundy (MN Bar No. 266917) (*Pro Hac Vice*)
kbundy@faegre.com
6 Aaron Van Oort (MN Bar No. 315539) (*Pro Hac Vice*)
avanoort@faegre.com
7 Eileen M. Hunter (MN Bar No. 336336) (*Pro Hac Vice*)
ehunter@faegre.com
FAEGRE & BENSON, LLP
8 2200 Wells Fargo Center
9 90 South Seventh Street
Minneapolis, MN 55402
10 Telephone: 612.766.7000
Facsimile: 612.766.1600

11 Attorneys for Defendants
12 JANI-KING OF CALIFORNIA, INC., JANI-KING, INC.,
and JANI-KING INTERNATIONAL, INC.
13

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 CESAR GARCIA, an individual,) No. C-10-05477 RS
18 Plaintiff,) STIPULATION AND [PROPOSED]
19 v.) ORDER EXTENDING DEADLINES
20 JANI-KING OF CALIFORNIA, INC., a Texas) FOR FACT AND EXPERT
corporation; JANI-KING, INC., a Texas) DISCOVERY CUTOFFS AND FOR
corporation; JANI-KING INTERNATIONAL,) PARTICIPATION IN ADR
INC., a Texas corporation,
21
22 Defendants.
23
24 _____)

Pursuant to Civil Local Rule 6-2, Plaintiff Cesar Garcia ("Plaintiff") and Defendants Jani-King of California, Inc., Jani-King, Inc., and Jani-King International, Inc. (collectively "Defendants") hereby state as follows:

1. On April 21, 2011, in its Case Management Scheduling Order (Dkt. 34), the Court ordered the parties to:

a. Participate in private ADR through JAMS or a similar provider to be held by December 1, 2011, if possible;

b. Complete all non-expert discovery on or before December 12, 2011; and

c. For Plaintiff to disclose his expert testimony and reports on or before January 9, 2012, for Defendants to disclose their expert testimony and reports on or before February 6, 2012, and for all expert discovery to be completed on or before March 9, 2012.

2. The parties have met and conferred and agree that they need to complete their factual discovery, including depositions, and then hold the mediation. The parties have selected Mark Rudy as the mediator in this matter, and after determining Mr. Rudy's availability, have agreed to hold the mediation on January 27, 2012.

3. Accordingly, to accommodate the mediation on January 27, 2012, the parties propose to the Court and hereby stipulate to the following adjustments to the case schedule:

a. The parties will participate in mediation in this case on or before January 30, 2012;

b. All non-expert discovery shall be completed on or before December 22, 2011; and

c. Plaintiff shall disclose his expert testimony and reports on or before January 30, 2012, Defendants shall disclose their expert testimony and reports on or before February 24, 2012, and all expert discovery shall be completed on or before March 9, 2012.

4. Under this revised schedule, the parties will be able to finish the non-expert discovery in December, accommodate the Mediation session with Mr. Rudy on January 27, 2012, and then, if necessary, engage in and complete the expert discovery process by March 9, 2012, as previously order by the Court.

1 5. Importantly, this revised schedule does not delay or affect the Court's previously
2 set dates and schedule for the March 8, 2012 Further Case Management Conference, the April 12,
3 2012 hearing on pretrial motions, or the other pretrial and trial dates.

4 6. Accordingly, for good cause shown, the parties respectfully request that the Court
5 approve the modifications to the case schedule described above.
6

7 Dated: November 21, 2011

Respectfully submitted,

8 BARTKO ZANKEL TARRANT & MILLER
9 FAEGRE & BENSON, LLP

10 By: /s/ Benjamin K. Riley

11 Benjamin K. Riley
12 Attorneys for Defendants
13 JANI-KING OF CALIFORNIA, INC., JANI-
14 KING, INC., and JANI-KING
15 INTERNATIONAL, INC.

16 Dated: November 21, 2011

LAW OFFICES OF DANIEL L. FEDER

17 By: /s/ Daniel L. Feder

18 Daniel L. Feder
19 Attorneys for Plaintiff
20 CESAR GARCIA

1 **[PROPOSED] ORDER**

2 Pursuant to above Stipulation, the Court hereby modifies its April 21, 2011 Case
3 Management Scheduling Order as follows:

4 1. The parties will participate in mediation in this case on or before January 30, 2012;
5 2. All non-expert discovery shall be completed on or before December 22, 2011; and
6 3. Plaintiff shall disclose his expert testimony and reports on or before January 30,
7 2012, Defendants shall disclose their expert testimony and reports on or before February 24, 2012,
8 and all expert discovery shall be completed on or before March 9, 2012.

9 **IT IS SO ORDERED.**

10 Dated: 11/21/11


11 The Honorable Richard Seeborg
12 United States District Court Judge

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28